

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLAN PARMELEE,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

CASE NO. C06-1589RSM

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING § 2254 PETITION

The Court, having reviewed the petition for habeas corpus pursuant to 28 U.S.C. § 22554, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, petitioner's objections thereto, and the balance of the record, does find and ORDER:

(1) The Report and Recommendation is approved and adopted, except as to that part recommending denial of leave to proceed *in forma pauperis*;

(2) The application for leave to proceed *in forma pauperis* is GRANTED;

(3) The petition for habeas corpus is DISMISSED without prejudice for failure to exhaust state remedies and failure to present claims cognizable for habeas relief; and

(4) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.

Dated this 17th day of January, 2007.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE